



PUBLIC NOTICE

Federal Communications Commission
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**AT&T INC. AND UNITED STATES CELLULAR CORPORATION SEEK FCC CONSENT TO
THE ASSIGNMENTS OF LOWER 700 MHZ, ADVANCED WIRELESS SERVICES, AND
PERSONAL COMMUNICATIONS SERVICE LICENSES**

WT Docket No. 16-178

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: August 17, 2016
Oppositions Due: August 24, 2016
Replies Due: August 31, 2016

I. INTRODUCTION

AT&T Inc. (AT&T) and United States Cellular Corporation (USCC, and together with AT&T, the Applicants), have filed applications pursuant to Section 310(d) of the Communications Act of 1934, as amended,¹ seeking the simultaneous assignments and exchanges of a full Personal Communications Service (PCS) license and full and partitioned Lower 700 MHz and Advanced Wireless Services (AWS-1) licenses by and among certain subsidiaries of AT&T and USCC.² The subject licenses cover geographic areas scattered throughout the country. The proposed transaction involves the transfer of spectrum; no customers or networks would be transferred.

As a result of the proposed transaction, AT&T and USCC each assert that they would augment network capacity and improve the quality of services offered in the subject geographic areas. The Applicants also claim that they each would use the newly acquired spectrum to implement enhanced LTE capacity. In particular, AT&T maintains that it would hold 24 megahertz of contiguous, paired Lower 700 MHz spectrum in most of the counties involved in this transaction, allowing for a 10×10 megahertz LTE deployment.

Our preliminary review of the applications indicates that USCC would gain spectrum in 21 counties in all or parts of four Cellular Market Areas (CMAs) in portions of Illinois, North Carolina, and Washington. Specifically, USCC would gain 10 megahertz of PCS spectrum in two counties in Washington, and 10 megahertz to 20 megahertz of AWS-1 spectrum in a further 19 counties in Illinois and North Carolina. Pre-transaction, across the counties in which USCC would gain spectrum in this proposed transaction, USCC holds 35 megahertz to 84 megahertz of spectrum; post-transaction, USCC would hold 45 megahertz to 104 megahertz of spectrum in total.

¹ 47 U.S.C. § 310(d).

² The AT&T subsidiaries are AT&T Mobility Spectrum LLC and New Cingular Wireless PCS, LLC. The USCC subsidiaries are Indiana RSA No. 4 Limited Partnership, Oregon RSA #2, Inc., United States Cellular Operating Company of Chicago, LLC, USCOC of Central Illinois, LLC, USCOC of Greater North Carolina, LLC, and USCOC of Richland, LLC.

Further, with respect to AT&T, our preliminary review indicates that AT&T would gain 12 megahertz to 24 megahertz of Lower 700 MHz B and C Block spectrum in 23 counties in all or parts of six CMAs in portions of Idaho, Illinois, Indiana, and North Carolina. Pre-transaction, across all the counties in which AT&T would gain spectrum in this proposed transaction, AT&T holds 76 megahertz to 158 megahertz of spectrum in total; post-transaction, AT&T would hold 88 megahertz to 170 megahertz of spectrum in total, including 18 megahertz to 55 megahertz of below-1-GHz spectrum.

The *Mobile Spectrum Holdings Report and Order* requires that we treat any proposed increase in below-1-GHz spectrum holdings resulting in the acquiring entity holding approximately one-third or more of the suitable and available spectrum below 1 GHz as an “enhanced factor” in our case-by-case review.³ As a result of the instant transaction, AT&T would hold more than one-third, that is, more than 45 megahertz, of the 134 megahertz of currently suitable and available below-1-GHz spectrum in five of the six CMAs: CMA 196 (Champaign-Urbana-Rantoul, IL); CMA 217 (Anderson, IN); CMA 271 (Kokomo, IN); CMA 388 (Idaho 1 – Boundary); and CMA 399 (Illinois 6 – Montgomery).

II. SECTION 310(d) APPLICATIONS

The applications for the assignment of licenses have the following file numbers:

<u>File No.</u>	<u>Licensee/Assignor</u>	<u>Assignee</u>	<u>Lead Call Sign</u>
0007216619 ⁴	AT&T Mobility Spectrum LLC	USCOC of Richland, Inc.	KNLG471
0007217010	New Cingular Wireless PCS, LLC	Indiana RSA No. 4 Limited Partnership	WQGT880
0007217079	New Cingular Wireless PCS, LLC	USCOC of Greater North Carolina, LLC	WQGD746
0007217111	New Cingular Wireless PCS, LLC	United States Cellular Operating Company of Chicago, LLC	WQGD747
0007218589	USCOC of Central Illinois, LLC	AT&T Mobility Spectrum LLC	WPWV468
0007218591	Indiana RSA No. 4 Limited Partnership	AT&T Mobility Spectrum LLC	WQBQ607
0007218595	United States Cellular Operating Company of Chicago, LLC	AT&T Mobility Spectrum LLC	WQJQ743
0007218599	Oregon RSA #2, Inc.	New Cingular Wireless PCS, LLC	WQJQ759
0007218603	USCOC of Greater North Carolina, LLC	New Cingular Wireless PCS, LLC	WQOL892

III. EX PARTE STATUS OF THIS PROCEEDING

Pursuant to Section 1.1200(a) of the Commission’s rules,⁵ the Commission may adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires. We

³ *Policies Regarding Mobile Spectrum Holdings; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, WT Docket No. 12-269, GN Docket No. 12-268, Report and Order, 29 FCC Rcd 6133, 6240, paras. 286-88 (2014) (*Mobile Spectrum Holdings Report and Order*), *recon. denied*, Order on Reconsideration, 30 FCC Rcd 8635 (2015).

⁴ The Applicants have designated this the lead application.

⁵ 47 C.F.R. § 1.1200(a).

announce that this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under Section 1.1206 of the Commission's rules.⁶

Parties making oral *ex parte* presentations are directed to the Commission's *ex parte* rules. Parties are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.⁷ More than a one- or two-sentence description of the views and arguments presented is generally required.⁸ Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.⁹

IV. GENERAL INFORMATION

The assignment applications have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies.

Interested parties must file petitions to deny no later than **August 17, 2016**. Persons and entities that file petitions to deny become parties to the proceeding. They may participate fully in the proceeding, including seeking access to any confidential information that may be filed under a protective order, seeking reconsideration of decisions, and filing appeals of a final decision to the courts. Oppositions to such pleadings must be filed no later than **August 24, 2016**. Replies to such pleadings must be filed no later than **August 31, 2016**. All filings concerning matters referenced in this Public Notice should refer to WT Docket No. 16-178.

To allow the Commission to consider fully all substantive issues regarding the applications in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.¹⁰ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

Under the Commission's current procedures for the submission of filings and other documents,¹¹ submissions in this matter may be filed electronically through the Commission's Electronic Comment Filing System (ECFS) or by hand delivery to the Commission.

- **To file electronically,**¹² access ECFS via the Internet at <http://apps.fcc.gov/ecfs>. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket number.
- **To file by paper,** the original and one copy of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the

⁶ 47 C.F.R. § 1.1206.

⁷ 47 C.F.R. § 1.1206(b)(1).

⁸ *Id.*

⁹ 47 C.F.R. § 1.1206(b).

¹⁰ 47 C.F.R. § 1.45(c).

¹¹ *FCC Announces Change in Filing Location for Paper Documents*, Public Notice, 24 FCC Rcd 14312 (2009).

¹² *Electronic Filing of Documents in Rulemaking Proceedings*, Report and Order, 13 FCC Rcd 11322 (1998).

building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each pleading must be delivered electronically, by email or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) Scott Patrick, Mobility Division, Wireless Telecommunications Bureau, at scott.patrick@fcc.gov or (202) 418-2643 (facsimile); (2) Linda Ray, Broadband Division, Wireless Telecommunications Bureau, at linda.ray@fcc.gov or (202) 418-7247 (facsimile); (3) Kate Mataves, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau, at catherine.mataves@fcc.gov or (202) 418-2643 (facsimile); and (4) Jim Bird, Office of General Counsel, at TransactionTeam@fcc.gov or (202) 418-1234 (facsimile).

The application and any associated documents are available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. The application also is available electronically through ULS, which may be accessed on the Commission's Internet website. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). Contact the FCC to request reasonable accommodations for filing comments (accessible format documents, sign language interpreters, CART, etc.) by email: FCC504@fcc.gov; phone: (202) 418-0530; or TTY: (202) 418-0432.

For further information, contact Scott Patrick, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-2853, or Kate Mataves, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau, at (202) 391-6272.

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